

Remarks

Claim Objections

Claim 7 has been amended herewith per the office action's suggestion.

35 USC §103

The independent claims generally stand rejected over a combination of Willis (US 6,584,082) in view of Boyden (US 6,724,737). Willis is an internet multicast system primarily directed towards multicasting telephone calls. Boyden is a method for a satellite broadcast television system to respond to rain fade. The present invention is, inter alia, a system for controlling a satellite television uplink from a computer that is remote from the uplink.

Willis does not separate control of an uplink from the physical location of the uplink and discloses a single parameter control of the uplink from the receiver by means of a feedback signal through the satellite.

Presently pending claim 1 recites an uplink, a control processor, and a communication link that is remote from said control processor. Neither Willis nor Boyden recite a control processor being controlled through a communication link remote from the processor together with the communication processor being remote from the uplink, as recited. In fact, both Willis and Boyden teach that the control processor and uplink and any communication link not be remote from one another. Willis teaches control through a gateway server and Boyden teaches feedback from a receiver. Accordingly, the Willis and Boyden references do not disclose or teach the structural recitations of claim 1, and in fact teach away.

Interview Summary

Applicant thanks the examiner for a courteous and useful interview. The interview focused on the last limitation of the first claim pending,

“said control processor being further configured to generate a control instruction command and to control transmissions made by said at least one uplink by sending to said at least one uplink said control instruction command through said computer network.”

Other potential points of disagreement regarding whether the prior art rendered other claim limitations obvious were deferred and attention was concentrated on this last limitation.

The prior art teachings most relevant to this claim limitation were identified by the examiners as Figure 4 in the Willis reference, U.S. 6,584,082, and the accompanying text. Specifically, it was queried, without resolution during the interview, whether or not any connection between stream gateway 410 and uplink gateways 460 or 470 would be via a computer network as claimed. It was agreed that both the examiner and applicant would review the Willis reference in this regard and that a formal office action response would be filed thereafter. It was further agreed that if Willis fails to disclose a computer network connection between gateway 410 and uplinks 460 or 470, and that an obviousness rejection is next maintained with the inclusion of further prior art references, the next office action would be a non-final office action.

Response to Arguments

The Willis reference does not disclose, teach, suggest or motivate any computer network connecting stream gateway 410 to uplinks 460 or 470. The entire discussion of Figure 4, and indeed sequentially adjacent Figures 3 and 5, are completely devoid of any teaching of a computer network between stream gateway 410 and uplinks 460 or 470.

A more general review of the Willis reference indicates that it teaches away from a computer network connecting stream gateway 410 to uplinks 460 or 470. To wit, in column 8, line 56 through column 9, line 17 the general “topology” of the system is described. The communication of a content source with the transmitting facility is expressly disclosed as being via network or internet, see column 8, lines 64 – 65. The path between the transmitting facility 110 and the receiving 150 is also disclosed as being via the internet, *see*, column 9, lines 3-5. The communication of the receiver back to the transmitting facility is expressly disclosed as via the internet, see column 9, lines 12 – 16. However, there is no corresponding disclosure that the transmitting facilities output gateways and the uplinks themselves, that is the link between 410 and 460/470, may also be by network or internet. Because every other possible link between processors that could be by network or internet is expressly disclosed as such, the absence of such disclosure at the link under consideration indicates that it is not by network or internet.

Moreover the gateways 410 and uplinks 460/470 are elsewhere referred to as their own integral unit – the “broadcast operation center,” further indicating that they are not separate units networked together, *see*, e.g., Fig. 2.

Because Willis individually, or in combination with the other prior art of record, fails to teach the final limitation of claim 1, the Willis reference, individually, or in

combination with the other references, fails to support a prima facie case of obviousness of the pending set of claims.

Separately, applicant notes the recitation in claim 1 of the processor receiving a “control instruction *request*”. There is no such disclosure anywhere in the Willis reference. This is acknowledged in the office action on page 4. The Boyden (US 6,724,737) reference fails to teach a request as described above.

New Claims

New claims 67 through 73 recite further details of the distinction already adequately claimed in claim 1. New claim 67 recites that “said uplink is operative to transmit data over broadcast network to a plurality of receivers.” The recitation of a broadcast network distinguishes that broadcast network from the separately recited computer network in the first limitation. New claim 68 recites that the communication link is remote from the control processor. New claim 69 recites that the communication link is remote from the uplink. New claim 70 recites that the communication link is remote from the receivers. New claim 71 recites that the communication link is remote from all three. Any one of these further distinguishes the present invention as claimed from the prior art of record. New claim 72 recites that there be two uplinks. New claim 73 recites that the control instruction request be received through a web server.

Conclusion

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J.A. Leinauer", written over a horizontal line.

By: Michael J.A. Leinauer, #55,795
Husch Blackwell Sanders, LLP
190 Carondelet Plaza
St. Louis, MO 63105
314 480-1662
314-480-1505 FAX